

Union Calendar No. 434

104TH CONGRESS
2D Session

H. R. 2505

[Report No. 104-797]

A BILL

To amend the Alaska Native Claims Settlement Act to make certain clarifications to the land bank protection provisions, and for other purposes.

SEPTEMBER 17, 1996

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

OCTOBER 18, 1995

Mr. YOUNG of Alaska introduced the following bill; which was referred to the Committee on Resources

SEPTEMBER 17, 1996

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[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on October 18, 1995]

A BILL

To amend the Alaska Native Claims Settlement Act to make certain clarifications to the land bank protection provisions, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. AUTOMATIC LAND BANK PROTECTION.**

2 (a) *LANDS RECEIVED IN EXCHANGE FROM CERTAIN*
 3 *FEDERAL AGENCIES.*—*The matter preceding clause (i) of*
 4 *section 907(d)(1)(A) of the Alaska National Interest Lands*
 5 *Conservation Act (43 U.S.C. 1636(d)(1)(A)) is amended by*
 6 *inserting “or conveyed to a Native Corporation pursuant*
 7 *to an exchange authorized by section 22(f) of Alaska Native*
 8 *Claims Settlement Act or section 1302(h) of this Act or*
 9 *other applicable law” after “Settlement Trust”.*

10 (b) *LANDS EXCHANGED AMONG NATIVE CORPORA-*
 11 *TIONS.*—*Section 907(d)(2)(B) of such Act (43 U.S.C.*
 12 *1636(d)(2)(B)) is amended by striking “and” at the end*
 13 *of clause (ii), by striking the period at the end of clause*
 14 *(iii) and inserting “; and”, and by adding at the end the*
 15 *following:*

16 *“(iv) lands or interest in lands shall not be con-*
 17 *sidered developed or leased or sold to a third party*
 18 *as a result of an exchange or conveyance of such land*
 19 *or interest in land between or among Native Corpora-*
 20 *tions and trusts, partnerships, corporations, or joint*
 21 *ventures, whose beneficiaries, partners, shareholders,*
 22 *or joint venturers are Native Corporations.”.*

23 (c) *ACTIONS BY TRUSTEE SERVING PURSUANT TO*
 24 *AGREEMENT OF NATIVE CORPORATIONS.*—*Section*
 25 *907(d)(3)(B) of such Act (43 U.S.C. 1636(d)(3)(B)) is*
 26 *amended by striking “or” at the end of clause (i), by strik-*

1 *ing the period at the end of clause (ii) and inserting “;*
 2 *or”, and by adding at the end the following:*

3 *“(iii) to actions by any trustee whose right, title,*
 4 *or interest in land or interests in land arises pursu-*
 5 *ant to an agreement between or among Native Cor-*
 6 *porations and trusts, partnerships, or joint ventures*
 7 *whose beneficiaries, partners, shareholders, or joint*
 8 *venturers are Native Corporations.”.*

9 **SEC. 2. RETAINED MINERAL ESTATE.**

10 *Section 12(c)(4) of the Alaska Native Claims Settle-*
 11 *ment Act (43 U.S.C. 1611(c)(4)) is amended—*

12 *(1) by redesignating subparagraphs (C) and (D)*
 13 *as subparagraphs (D) and (E), respectively, and by*
 14 *inserting after subparagraph (B) the following new*
 15 *subparagraph:*

16 *“(C) Where such public lands are surrounded by or*
 17 *contiguous to subsurface lands obtained by a Regional Cor-*
 18 *poration under subsection (a) or (b), the Corporation may,*
 19 *upon request, have such public land conveyed to it.”; and*

20 *(2) in subparagraph (D) (as so redesignated), by*
 21 *striking “(A) or (B)” and inserting “(A), (B), or*
 22 *(C)”.*

23 **SEC. 3. ELIM NATIVE CORPORATION LAND RESTORATION.**

24 *(a) WITHDRAWAL AND AVAILABILITY FOR SELEC-*
 25 *TION.—The lands described in subsection (b) are withdrawn*

1 *from disposition under the public land laws, entry or ap-*
 2 *propriation under the mining laws of the United States,*
 3 *and the operation of the mineral leasing laws of the United*
 4 *States, subject to valid existing rights, for a period of one*
 5 *year from the date of enactment of this Act, for selection*
 6 *by the Elim Native Corporation under this section.*

7 (b) *LANDS DESCRIBED.*—*The lands described in this*
 8 *section are a parcel of land in the vicinity of Elim, Alaska,*
 9 *at approximately latitude 64 50 N. Longitude 162 00 W,*
 10 *more particularly described as follows:*

11 *Beginning at the point of intersection of line 3–*
 12 4, *U.S. Survey No. 2548 with the protracted West*
 13 *Boundary of T8S, R18W KRM, Alaska;*

14 *Thence North, along the west boundary of the*
 15 *aforementioned township, approximately 4½ miles to*
 16 *the protracted position for the corner of sections 1, 6,*
 17 7, *and 12;*

18 *Thence Northeasterly, parallel with line 4–3 of*
 19 *U.S. Survey No. 2548, approximately 20½ miles, to*
 20 *a point;*

21 *Thence East approximately 6 miles to corner No.*
 22 3 *U.S. Survey No. 2548;*

23 *Thence Southwesterly along lines 3–4, U.S. Sur-*
 24 *vey 2548 approximately 27½ miles to the point of be-*
 25 *ginning, containing, 52,799.3 acres, more or less.*

1 (c) *AUTHORIZATION TO SELECT LANDS; RESERVATION*
 2 *OF EASEMENT.*—*The Elim Native Corporation is author-*
 3 *ized to select the lands described in subsection (b) to satisfy*
 4 *its land entitlements under section 19(b) of the Alaska Na-*
 5 *tive Claims Settlement Act (43 U.S.C. 1618(b)). The Sec-*
 6 *retary is authorized to receive, adjudicate and convey the*
 7 *lands to the Elim Native Corporation subject to (1) valid*
 8 *existing rights, and (2) an easement reserved to the United*
 9 *States for the benefit of the public. An easement in the lands*
 10 *shall be reserved to the Iditarod National Historic Trail.*

11 (d) *WITHDRAWAL AND SELECTION OF ADDITIONAL*
 12 *LANDS.*—*The Secretary is authorized to withdraw, and*
 13 *Elim Native Corporation is authorized to select, within 18*
 14 *months after the date of the enactment of this Act additional*
 15 *lands adjacent to the lands withdrawn by subsection (a)*
 16 *to fulfill Elim Native Corporation’s land entitlements equal*
 17 *to the total acreage of the Norton Bay Reservation as with-*
 18 *drawn by Executive Order No. 2508, dated January 3,*
 19 *1917.*

20 **SEC. 4. PROPOSED AMENDMENT TO PUBLIC LAW 102-415.**

21 Section 20(f) of the Alaska Land Status Technical Cor-
 22 rections Act of 1992 (106 Stat. 2129) is amended by adding
 23 at the end the following new paragraph:

24 “(4) *The Region shall be deemed to have 3,520 acres*
 25 *of subsurface entitlement pursuant to this section, which en-*

1 *titlement shall be satisfied in the manner prescribed for the*
 2 *Region in section 14(h)(9) of the Alaska Native Claims Set-*
 3 *tlement Act (43 U.S.C. 1613(h)(9)).”.*

4 **SEC. 5. CALISTA CORPORATION LAND EXCHANGE.**

5 (a) CONGRESSIONAL FINDINGS.—Congress finds and
 6 declares that—

7 (1) the land exchange authorized by section 8126
 8 of Public Law 102–172 should be implemented with-
 9 out further delay;

10 (2) lands and interests in lands in the exchange
 11 are within the boundaries of the Yukon Delta Na-
 12 tional Wildlife Refuge established by the Alaska Na-
 13 tional Interest Lands Conservation Act (ANILCA)
 14 and include wetlands, grasslands, marshes, and
 15 riverine and upland fish and wildlife habitat lands,
 16 which represent the premier habitat area for water-
 17 fowl and other birds in the Pacific and other
 18 flyways—

19 (A) for nesting, breeding, and staging
 20 grounds for countless thousands of migratory wa-
 21 terfowl, including species such as Spectacled
 22 Eider, Tundra Swan, White-fronted Goose, many
 23 song birds and neotropical migrants, Harlequin
 24 Duck, Canvasbacked Duck, Snow Goose, several
 25 species of diving and dabbling ducks, Cackling

1 *and other subspecies of Canada Geese, and Em-*
2 *peror Goose; and*

3 *(B) as habitat for other wildlife and fish*
4 *such as wolf, brown and black bear, moose, cari-*
5 *bou, otter, fox, mink, musk ox, salmon, grayling,*
6 *sheefish, rainbow trout, blackfish, pike, and dolly*
7 *vardeen;*

8 *the acquisition of which lands and interests in lands*
9 *would further the purposes for which the refuge was*
10 *established by ANILCA;*

11 *(3) the Yukon-Kuskokwim Delta Region is bur-*
12 *dened by some of the most serious and distressing eco-*
13 *nomie, social, and health conditions existing any-*
14 *where in the United States, including high incidence*
15 *of infant mortality, teenage suicide, hepatitis, alcohol-*
16 *ism, meningitis, tuberculosis, and unemployment (60*
17 *to 90 percent);*

18 *(4) the Calista Corporation, the Native Regional*
19 *Corporation organized under the authority of the*
20 *Alaska Native Claims Settlement Act (ANCSA) for*
21 *the Yupik Eskimos of Southwestern Alaska, which in-*
22 *cludes the entire Yukon Delta National Wildlife Ref-*
23 *uge—*

24 *(A)(i) has responsibilities provided for by*
25 *the Settlement Act to help address social, cul-*

1 *tural, economic, health, subsistence, and related*
 2 *issues within the Region and among its villages,*
 3 *including the viability of the villages themselves,*
 4 *many of which are remote and isolated; and*

5 *(ii) has been unable to fully carry out such*
 6 *responsibilities; and*

7 *(B) the implementation of this exchange is*
 8 *essential to helping Calista utilize its assets to*
 9 *carry out those responsibilities to realize the ben-*
 10 *efits of ANCSA;*

11 *(5) the parties to the exchange have been unable*
 12 *to reach agreement on the valuation of the lands and*
 13 *interests in lands to be conveyed to the United States*
 14 *under section 8126 of Public Law 102–171; and*

15 *(6) in light of the foregoing, it is appropriate*
 16 *and necessary in this unique situation that Congress*
 17 *authorize and direct the implementation of this ex-*
 18 *change as set forth in this section in furtherance of*
 19 *the purposes and underlying goals of the Alaska Na-*
 20 *tive Claims Settlement Act and the Alaska National*
 21 *Interest Lands Conservation Act.*

22 *(b) LAND EXCHANGE IMPLEMENTATION.—Section*
 23 *8126(a) of Public Law 102–172 (105 Stat. 1206) is amend-*
 24 *ed—*

25 *(1) by inserting “(1)” after “(a)”;* and

1 (2) by inserting after “October 28, 1991” the fol-
2 lowing: “(hereinafter referred to as ‘CCRD’) and in
3 the document entitled, ‘The Calista Conveyance and
4 Relinquishment Document Addendum’, dated July 16,
5 1996 (hereinafter referred to as ‘CCRD Addendum’)”;

6 (3) by striking “The value” and all that follows
7 through “Provided, That the” and inserting in lieu
8 thereof the following:

9 “(2) Unless prior to October 1, 1996, the parties mutu-
10 ally agree on a value of the lands and interests in lands
11 to be exchanged as contained in the CCRD or the CCRD
12 Addendum, the Secretary of the Treasury shall credit the
13 property account to be established by subsection (c) with
14 an amount determined by paragraph (5) of the CCRD Ad-
15 dendum. The”;

16 (4) in the last sentence, by inserting a period
17 after “1642” and striking all that follows in that sen-
18 tence; and

19 (5) by adding at the end the following new para-
20 graph:

21 “(3) The amount credited to the property account is
22 not subject to adjustment for minor changes in acreage re-
23 sulting from preparation or correction of the land descrip-
24 tions in the CCRD or CCRD Addendum or the exclusion

1 *of any small tracts of land as a result of hazardous mate-*
 2 *rials surveys.”.*

3 (c) *EXCHANGE ADMINISTRATION.*—Section 8126(c) of
 4 *Public Law 102–172 (105 Stat. 1207) is amended—*

5 (1) *by inserting “(1)” after “(c)”;*

6 (2) *by inserting after “subsection (a) of this sec-*
 7 *tion,” the following: “upon conveyance or relinquish-*
 8 *ment of the remaining lands in the CCRD and the*
 9 *CCRD Addendum,”; and*

10 (3) *by adding at the end the following new para-*
 11 *graphs:*

12 “(2) *Notwithstanding any other provision of law,*
 13 *Calista Corporation may assign, without restriction, any*
 14 *or all of the account upon written notification to the Sec-*
 15 *retary of the Treasury and the Secretary of the Interior.*

16 “(3) *Calista will provide to the Bureau of Land Man-*
 17 *agement, Alaska State Office, appropriate documentation*
 18 *to enable that office to perform the accounting required by*
 19 *paragraph (1) and to forward such information, if re-*
 20 *quested by Calista, to the Secretary of the Treasury as au-*
 21 *thorized by such paragraph.*

22 “(4) *For the purpose of the determination of the appli-*
 23 *cability of section 7(i) of the Alaska Native Claims Settle-*
 24 *ment Act (43 U.S.C. 1606(i)) to revenues generated pursu-*

1 *ant to this section, such revenues shall be calculated in ac-*
 2 *cordance with paragraph (4) of the CCRD Addendum.”.*

3 **SEC. 6. MINING CLAIMS.**

4 *Paragraph (3) of section 22(c) of the Alaska Native*
 5 *Claims Settlement Act (43 U.S.C. 1621(c)) is amended—*

6 *(1) by striking out “regional corporation” each*
 7 *place it appears and inserting in lieu thereof “Re-*
 8 *gional Corporation”; and*

9 *(2) by adding at the end the following: “The pro-*
 10 *visions of this section shall apply to Haida Corpora-*
 11 *tion and the Haida Traditional Use Sites, which*
 12 *shall be treated as a Regional Corporation for the*
 13 *purposes of this paragraph, except that any revenues*
 14 *remitted to Haida Corporation under this section*
 15 *shall not be subject to distribution pursuant to section*
 16 *7(i) of this Act.”.*

17 **SEC. 7. SALE, DISPOSITION, OR OTHER USE OF COMMON**

18 **VARIETIES OF SAND, GRAVEL, STONE, PUM-**

19 **ICE, PEAT, CLAY, OR CINDER RESOURCES.**

20 *Subsection (i)(1) of section 7 of the Alaska Native*
 21 *Claims Settlement Act (43 U.S.C. 1606(i)(1)) is amended—*

22 *(1) by striking “Seventy per centum” and insert-*
 23 *ing “(A) Except as provided by subparagraph (B),*
 24 *seventy percent”; and*

25 *(2) by adding at the end the following:*

1 “(B) *In the case of the sale, disposition, or other use*
 2 *of common varieties of sand, gravel, stone, pumice, peat,*
 3 *clay, or cinder resources made after the date of enactment*
 4 *of this subparagraph, the revenues received by a Regional*
 5 *Corporation shall not be subject to division under subpara-*
 6 *graph (A). Nothing in this subparagraph is intended to or*
 7 *shall be construed to alter the ownership of such sand, grav-*
 8 *el, stone, pumice, peat, clay, or cinder resources.”.*

9 **SEC. 8. ALASKA NATIVE ALLOTMENT APPLICATIONS.**

10 *Section 905(a) of the Alaska National Interest Lands*
 11 *Conservation Act (43 U.S.C. 1634(a)) is amended by add-*
 12 *ing at the end the following:*

13 “(7) *Paragraph (1) of this subsection and section (d)*
 14 *shall apply, and paragraph (5) of this subsection shall cease*
 15 *to apply, to an application—*

16 “(A) *that is open and pending on the date of en-*
 17 *actment of this paragraph,*

18 “(B) *if the lands described in the application are*
 19 *in Federal ownership, and*

20 “(C) *if all protests which were filed by the State*
 21 *of Alaska pursuant to paragraph (5)(B) with respect*
 22 *to the application have been withdrawn and not re-*
 23 *asserted or are dismissed.”.*

1 **SEC. 9. VISITOR SERVICES.**

2 *Paragraph (1) of section 1307(b) of the Alaska Na-*
3 *tional Interest Lands Conservation Act (16 U.S.C.*
4 *3197(b)(1)) is amended—*

5 *(1) by striking “Native Corporation” and insert-*
6 *ing “Native Corporations”; and*

7 *(2) by striking “is most directly affected” and*
8 *inserting “are most directly affected”.*

9 **SEC. 10. REPORT.**

10 *Within nine months after the date of enactment of this*
11 *Act, the Secretary of the Interior shall submit to Congress*
12 *a report indicating the actions taken in carrying out sub-*
13 *section (b) of section 1308 of the Alaska National Interest*
14 *Lands Conservation Act (16 U.S.C. 3198). The report shall*
15 *also address the recruitment processes that may restrict em-*
16 *ployees hired under subsection (a) of such section from suc-*
17 *cessfully obtaining positions in the competitive service. The*
18 *Secretary of Agriculture shall cooperate with the Secretary*
19 *of the Interior in carrying out this section with respect to*
20 *the Forest Service.*